



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1125

Introduced 2/5/2019, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-59	from Ch. 46, par. 7-59
10 ILCS 5/17-16.1	from Ch. 46, par. 17-16.1
10 ILCS 5/18-9.1	from Ch. 46, par. 18-9.1
65 ILCS 5/3.1-20-45	
65 ILCS 5/3.1-25-20	from Ch. 24, par. 3.1-25-20

Amends the Election Code. Provides that those intending to become write-in candidates for statewide, congressional, state legislative, or judicial offices or offices in which the electors are not entirely within a county shall file a notarized declaration of intent with the State Board of Elections. Provides what shall be included in a declaration of intent. Provides that all write-in votes shall be counted for persons who filed the notarized declaration of intent with the appropriate election authority between 120 days and 75 days before the primary or election (rather than 61 days before the primary or election). Provides that persons intending to become write-in candidates for the offices of President and Vice President or Governor and Lieutenant Governor shall file one joint declaration of intent to be a write-in candidate with the State Board of Elections and that votes cast for either candidate shall constitute a valid write-in vote for the slate of candidates. Provides that the State Board of Elections shall provide a listing of valid write-in candidates to the appropriate election authority before the deadline for ballot certification. Makes conforming changes throughout the Code and the Illinois Municipal Code.

LRB101 06783 SMS 51810 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 7-59, 17-16.1, and 18-9.1 as follows:

6 (10 ILCS 5/7-59) (from Ch. 46, par. 7-59)

7 Sec. 7-59. (a) The person receiving the highest number of
8 votes at a primary as a candidate of a party for the nomination
9 for an office shall be the candidate of that party for such
10 office, and his name as such candidate shall be placed on the
11 official ballot at the election then next ensuing; provided,
12 that where there are two or more persons to be nominated for
13 the same office or board, the requisite number of persons
14 receiving the highest number of votes shall be nominated and
15 their names shall be placed on the official ballot at the
16 following election.

17 Except as otherwise provided by Section 7-8 of this Act,
18 the person receiving the highest number of votes of his party
19 for State central committeeperson of his congressional
20 district shall be declared elected State central
21 committeeperson from said congressional district.

22 Unless a national political party specifies that delegates
23 and alternate delegates to a National nominating convention be

1 allocated by proportional selection representation according
2 to the results of a Presidential preference primary, the
3 requisite number of persons receiving the highest number of
4 votes of their party for delegates and alternate delegates to
5 National nominating conventions from the State at large, and
6 the requisite number of persons receiving the highest number of
7 votes of their party for delegates and alternate delegates to
8 National nominating conventions in their respective
9 congressional districts shall be declared elected delegates
10 and alternate delegates to the National nominating conventions
11 of their party.

12 A political party which elects the members to its State
13 Central Committee by Alternative B under paragraph (a) of
14 Section 7-8 shall select its congressional district delegates
15 and alternate delegates to its national nominating convention
16 by proportional selection representation according to the
17 results of a Presidential preference primary in each
18 congressional district in the manner provided by the rules of
19 the national political party and the State Central Committee,
20 when the rules and policies of the national political party so
21 require.

22 A political party which elects the members to its State
23 Central Committee by Alternative B under paragraph (a) of
24 Section 7-8 shall select its at large delegates and alternate
25 delegates to its national nominating convention by
26 proportional selection representation according to the results

1 of a Presidential preference primary in the whole State in the
2 manner provided by the rules of the national political party
3 and the State Central Committee, when the rules and policies of
4 the national political party so require.

5 The person receiving the highest number of votes of his
6 party for precinct committeeperson of his precinct shall be
7 declared elected precinct committeeperson from said precinct.

8 The person receiving the highest number of votes of his
9 party for township committeeperson of his township or part of a
10 township as the case may be, shall be declared elected township
11 committeeperson from said township or part of a township as the
12 case may be. In cities where ward committeepersons are elected,
13 the person receiving the highest number of votes of his party
14 for ward committeeperson of his ward shall be declared elected
15 ward committeeperson from said ward.

16 When two or more persons receive an equal and the highest
17 number of votes for the nomination for the same office or for
18 committeeperson of the same political party, or where more than
19 one person of the same political party is to be nominated as a
20 candidate for office or committeeperson, if it appears that
21 more than the number of persons to be nominated for an office
22 or elected committeeperson have the highest and an equal number
23 of votes for the nomination for the same office or for election
24 as committeeperson, the election authority by which the returns
25 of the primary are canvassed shall decide by lot which of said
26 persons shall be nominated or elected, as the case may be. In

1 such case the election authority shall issue notice in writing
2 to such persons of such tie vote stating therein the place, the
3 day (which shall not be more than 5 days thereafter) and the
4 hour when such nomination or election shall be so determined.

5 (b) Persons intending to become write-in candidates for
6 offices to be filled by electors of the entire State or any
7 district not entirely within a county or for congressional,
8 state legislative, or judicial offices as described in Sections
9 7-12, 7-67, and 25-7 shall file a notarized declaration of
10 intent to be a write-in candidate with the principal office of
11 the State Board of Elections. Forms for the declaration of
12 intent to be a write-in candidate shall be supplied by the
13 office or election authority with whom nominating petitions for
14 the office sought are filed. Declarations of intent to be a
15 write-in candidate shall include: (A) the name and address of
16 the person intending to become a write-in candidate; (B) the
17 office sought; (C) the date of the election; and (D) the
18 notarized signature of the candidate or candidates.
19 Declarations of intent to be a write-in candidate that do not
20 include items (A) through (D) shall not be accepted.

21 Write-in votes shall be counted only for persons who have
22 filed notarized declarations of intent to be write-in
23 candidates with the proper election authority, election or
24 authorities, or the State Board of Elections no earlier than
25 120 days before the primary but no ~~not~~ later than 75 ~~61~~ days
26 before ~~prior to~~ the primary. However, whenever an objection to

1 a candidate's nominating papers or petitions for any office is
2 sustained under Section 10-10 after the 75th ~~61st~~ day before
3 the election, then write-in votes shall be counted for that
4 candidate if he or she has filed a notarized declaration of
5 intent to be a write-in candidate for that office with the
6 proper election authority, election ~~or~~ authorities, or State
7 Board of Elections not later than 7 days prior to the election.

8 ~~Forms for the declaration of intent to be a write in~~
9 ~~candidate shall be supplied by the election authorities. Such~~
10 ~~declaration shall specify the office for which the person seeks~~
11 ~~nomination or election as a write-in candidate.~~

12 Persons intending to become write-in candidates for the
13 offices of President and Vice President or Governor and
14 Lieutenant Governor shall file one joint declaration of intent
15 to be a write-in candidate with the State Board of Elections.

16 The State Board of Elections shall provide a listing of
17 valid write-in candidates to the proper election authority or
18 authorities no later than the deadline for ballot
19 certification. The election authority or authorities shall
20 deliver a list of all persons who have filed ~~such~~ declarations
21 of intent to the election judges in the appropriate precincts
22 prior to the primary.

23 (c) (1) Notwithstanding any other provisions of this
24 Section, where the number of candidates whose names have been
25 printed on a party's ballot for nomination for or election to
26 an office at a primary is less than the number of persons the

1 party is entitled to nominate for or elect to the office at the
2 primary, a person whose name was not printed on the party's
3 primary ballot as a candidate for nomination for or election to
4 the office, is not nominated for or elected to that office as a
5 result of a write-in vote at the primary unless the number of
6 votes he received equals or exceeds the number of signatures
7 required on a petition for nomination for that office; or
8 unless the number of votes he receives exceeds the number of
9 votes received by at least one of the candidates whose names
10 were printed on the primary ballot for nomination for or
11 election to the same office.

12 (2) Paragraph (1) of this subsection does not apply where
13 the number of candidates whose names have been printed on the
14 party's ballot for nomination for or election to the office at
15 the primary equals or exceeds the number of persons the party
16 is entitled to nominate for or elect to the office at the
17 primary.

18 (Source: P.A. 100-1027, eff. 1-1-19.)

19 (10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

20 Sec. 17-16.1. Write-in votes shall be counted only for
21 persons who have filed notarized declarations of intent to be
22 write-in candidates with the proper election authority,
23 election ~~or~~ authorities, or the State Board of Elections no
24 earlier than 120 days before the election but no ~~not~~ later than
25 ~~61~~ 75 days before ~~prior to~~ the election. However, whenever an

1 objection to a candidate's nominating papers or petitions for
2 any office is sustained under Section 10-10 after the 75th ~~61st~~
3 day before the election, then write-in votes shall be counted
4 for that candidate if he or she has filed a notarized
5 declaration of intent to be a write-in candidate for that
6 office with the proper election authority, election ~~or~~
7 authorities, or the State Board of Elections not later than 7
8 days prior to the election.

9 Forms for the declaration of intent to be a write-in
10 candidate shall be supplied by the election authorities or the
11 State Board of Elections. Declarations of intent to be a
12 write-in candidate shall include: (A) the name and address of
13 the person intending to become a write-in candidate; (B) the
14 office sought; (C) the date of election; and (D) the notarized
15 signature of the candidate or candidates. Declarations of
16 intent to be a write-in candidate that do not include items (A)
17 through (D) shall not be accepted. ~~Such declaration shall~~
18 ~~specify the office for which the person seeks election as a~~
19 ~~write in candidate.~~

20 Persons intending to become write-in candidates for the
21 offices of President and Vice President or Governor and
22 Lieutenant Governor shall file one joint declaration of intent
23 to be a write-in candidate with the State Board of Elections.
24 Votes cast for either candidate shall constitute a valid
25 write-in vote for the slate of candidates.

26 The State Board of Elections shall provide a listing of

1 valid write-in candidates to the proper election authority or
2 authorities no later than the deadline for ballot
3 certification. The election authority or authorities shall
4 deliver a list of all persons who have filed ~~such~~ declarations
5 of intent to the election judges in the appropriate precincts
6 prior to the election.

7 A candidate for whom a nomination paper has been filed as a
8 partisan candidate at a primary election, and who is defeated
9 for his or her nomination at the primary election is ineligible
10 to file a declaration of intent to be a write-in candidate for
11 election in that general or consolidated election.

12 A candidate seeking election to an office for which
13 candidates of political parties are nominated by caucus who is
14 a participant in the caucus and who is defeated for his or her
15 nomination at such caucus is ineligible to file a declaration
16 of intent to be a write-in candidate for election in that
17 general or consolidated election.

18 A candidate seeking election to an office for which
19 candidates are nominated at a primary election on a nonpartisan
20 basis and who is defeated for his or her nomination at the
21 primary election is ineligible to file a declaration of intent
22 to be a write-in candidate for election in that general or
23 consolidated election.

24 Nothing in this Section shall be construed to apply to
25 votes cast under the provisions of subsection (b) of Section
26 16-5.01.

1 (Source: P.A. 95-699, eff. 11-9-07.)

2 (10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

3 Sec. 18-9.1. Write-in votes shall be counted only for
4 persons who have filed notarized declarations of intent to be
5 write-in candidates with the proper election authority,
6 election or authorities, or the State Board of Elections no
7 earlier than 120 days before the election but no ~~not~~ later than
8 75 ~~61~~ days before ~~prior to~~ the election. However, whenever an
9 objection to a candidate's nominating papers or petitions is
10 sustained under Section 10-10 after the 75th ~~61st~~ day before
11 the election, then write-in votes shall be counted for that
12 candidate if he or she has filed a notarized declaration of
13 intent to be a write-in candidate for that office with the
14 proper election authority, election or authorities, or the
15 State Board of Elections not later than 7 days prior to the
16 election.

17 Forms for the declaration of intent to be a write-in
18 candidate shall be supplied by the election authorities or the
19 State Board of Elections. Declarations of intent to be a
20 write-in candidate shall include: (A) the name and address of
21 the person intending to become a write-in candidate; (B) the
22 office sought; (C) the date of election; and (D) the notarized
23 signature of the candidate or candidates. Declarations of
24 intent to be a write-in candidate that do not include items (A)
25 through (D) shall not be accepted. Such declaration shall

1 ~~specify the office for which the person seeks election as a~~
2 ~~write-in candidate.~~

3 Persons intending to become write-in candidates for the
4 offices of President and Vice President or Governor and
5 Lieutenant Governor shall file one joint declaration of intent
6 to be a write-in candidate with the State Board of Elections.
7 Votes cast for either candidate shall constitute a valid
8 write-in vote for the slate of candidates.

9 Not less than 75 days before the date of the election, the
10 State Board of Elections shall provide a listing of valid
11 write-in candidates to the proper election authority or
12 authorities. The election authority or authorities shall
13 deliver a list of all persons who have filed ~~such~~ declarations
14 of intent to the election judges in the appropriate precincts
15 prior to the election.

16 A candidate for whom a nomination paper has been filed as a
17 partisan candidate at a primary election, and who is defeated
18 for his or her nomination at the primary election, is
19 ineligible to file a declaration of intent to be a write-in
20 candidate for election in that general or consolidated
21 election.

22 A candidate seeking election to an office for which
23 candidates of political parties are nominated by caucus who is
24 a participant in the caucus and who is defeated for his or her
25 nomination at such caucus is ineligible to file a declaration
26 of intent to be a write-in candidate for election in that

1 general or consolidated election.

2 A candidate seeking election to an office for which
3 candidates are nominated at a primary election on a nonpartisan
4 basis and who is defeated for his or her nomination at the
5 primary election is ineligible to file a declaration of intent
6 to be a write-in candidate for election in that general or
7 consolidated election.

8 Nothing in this Section shall be construed to apply to
9 votes cast under the provisions of subsection (b) of Section
10 16-5.01.

11 (Source: P.A. 95-699, eff. 11-9-07.)

12 Section 10. The Illinois Municipal Code is amended by
13 changing Sections 3.1-20-45 and 3.1-25-20 as follows:

14 (65 ILCS 5/3.1-20-45)

15 Sec. 3.1-20-45. Nonpartisan primary elections; uncontested
16 office. A city incorporated under this Code that elects
17 municipal officers at nonpartisan primary and general
18 elections shall conduct the elections as provided in the
19 Election Code, except that no office for which nomination is
20 uncontested shall be included on the primary ballot and no
21 primary shall be held for that office. For the purposes of this
22 Section, an office is uncontested when not more than 4 persons
23 to be nominated for each office have timely filed valid
24 nominating papers seeking nomination for the election to that

1 office.

2 Notwithstanding the preceding paragraph, when a person (i)
3 who has not timely filed valid nomination papers and (ii) who
4 intends to become a write-in candidate for nomination for any
5 office for which nomination is uncontested files a declaration
6 of intent to be a write-in candidates ~~written statement or~~
7 ~~notice of that intent~~ with the proper election official with
8 whom the nomination papers for that office are filed, no
9 primary ballot shall be printed. Where no primary is held,
10 persons intending to become a write-in candidate at the
11 consolidated primary election shall re-file a declaration of
12 intent to be a write-in candidate for the consolidated election
13 with the appropriate election authority or authorities. ~~if the~~
14 ~~write-in candidate becomes the fifth candidate filed, a primary~~
15 ~~ballot must be prepared and a primary must be held for the~~
16 ~~office.~~ The declaration of intent to be a write-in candidate
17 ~~statement or notice~~ must be filed on or before the 75th ~~61st~~
18 day before the consolidated ~~primary~~ election. The statement
19 must contain (i) the name and address of the person intending
20 to become a write-in candidate, (ii) a statement that the
21 person intends to become a write-in candidate, ~~and~~ (iii) the
22 office the person is seeking as a write-in candidate, (iv) the
23 date of the election, and (v) the notarized signature of the
24 candidate. Declarations of intent to be a write-in candidate
25 that do not include items (i) through (v) shall not be
26 accepted. ~~An election authority has no duty to conduct a~~

1 ~~primary election or prepare a primary ballot unless a statement~~
2 ~~meeting the requirements of this paragraph is filed in a timely~~
3 ~~manner.~~

4 If there is a primary election, then candidates shall be
5 placed on the ballot for the next succeeding general municipal
6 election in the following manner:

7 (1) If one officer is to be elected, then the 2
8 candidates who receive the highest number of votes shall be
9 placed on the ballot for the next succeeding general
10 municipal election.

11 (2) If 2 aldermen are to be elected at large, then the
12 4 candidates who receive the highest number of votes shall
13 be placed on the ballot for the next succeeding general
14 municipal election.

15 (3) If 3 aldermen are to be elected at large, then the
16 6 candidates who receive the highest number of votes shall
17 be placed on the ballot for the next succeeding general
18 municipal election.

19 The name of a write-in candidate may not be placed on the
20 ballot for the next succeeding general municipal election
21 unless he or she receives a number of votes in the primary
22 election that equals or exceeds the number of signatures
23 required on a petition for nomination for that office or that
24 exceeds the number of votes received by at least one of the
25 candidates whose names were printed on the primary ballot for
26 nomination for or election to the same office.

1 (Source: P.A. 97-81, eff. 7-5-11.)

2 (65 ILCS 5/3.1-25-20) (from Ch. 24, par. 3.1-25-20)

3 Sec. 3.1-25-20. Primary election. A village incorporated
4 under this Code shall nominate and elect candidates for
5 president and trustees in nonpartisan primary and general
6 elections as provided in Sections 3.1-25-20 through 3.1-25-55
7 until the electors of the village vote to require the partisan
8 election of the president and trustees at a referendum in the
9 manner provided in Section 3.1-25-65 after January 1, 1992. The
10 provisions of Sections 3.1-25-20 through 3.1-25-55 shall apply
11 to all villages incorporated under this Code that have operated
12 under those Sections without the adoption of those provisions
13 by the referendum provided in Section 3.1-25-60 as well as
14 those villages that have adopted those provisions by the
15 referendum provided in Section 3.1-25-60 until the electors of
16 those villages vote to require the partisan election of the
17 president and trustees in the manner provided in Section
18 3.1-25-65. Villages that have nominated and elected candidates
19 for president and trustees in partisan elections prior to
20 January 1, 1992, may continue to hold partisan elections
21 without conducting a referendum in the manner provided in
22 Section 3.1-25-65. All candidates for nomination to be voted
23 for at all general municipal elections at which a president or
24 trustees, or both, are to be elected under this Article shall
25 be nominated from the village at large by a primary election.

1 Notwithstanding any other provision of law, no primary
2 shall be held in any village when the nomination for every
3 office to be voted upon by the electors of the village is
4 uncontested. If the nomination of candidates is uncontested as
5 to one or more, but not all, of the offices to be voted upon by
6 the electors of the village, then a primary must be held in the
7 village, provided that the primary ballot shall not include
8 those offices in the village for which the nomination is
9 uncontested. For the purposes of this Section, an office is
10 uncontested when not more than the number of persons to be
11 nominated to the office have timely filed valid nominating
12 papers seeking nomination for election to that office.

13 Notwithstanding the preceding paragraph, when a person (i)
14 who has not timely filed valid nomination papers and (ii) who
15 intends to become a write-in candidate for nomination for any
16 office for which nomination is uncontested files a declaration
17 of intent to be a write-in candidate ~~written statement or~~
18 ~~notice of that intent~~ with the proper election official with
19 whom the nomination papers for that office are filed, no
20 primary ballot shall be printed. Where no primary is held,
21 persons intending to become a write-in candidate at the
22 consolidated primary election shall re-file a declaration of
23 intent to be a write-in candidate for the consolidated election
24 with the appropriate election authority or authorities. a
25 ~~primary ballot must be prepared and a primary must be held for~~
26 ~~the office.~~ The declaration of intent to be a write-in

1 ~~candidate statement or notice~~ must be filed on or before the
2 75th ~~61st~~ day before the consolidated primary election. The
3 statement must contain (i) the name and address of the person
4 intending to become a write-in candidate, (ii) a statement that
5 the person intends to become a write-in candidate, ~~and~~ (iii)
6 the office the person is seeking as a write-in candidate, (iv)
7 the date of the election, and (v) the notarized signature of
8 the candidate. Declarations of intent to be a write-in
9 candidate that do not include items (i) through (v) shall not
10 be accepted. An election authority has no duty to conduct a
11 primary election or prepare a primary ballot unless a statement
12 meeting the requirements of this paragraph is filed in a timely
13 manner.

14 Only the names of those persons nominated in the manner
15 prescribed in Sections 3.1-25-20 through 3.1-25-65 shall be
16 placed on the ballot at the general municipal election. The
17 village clerk shall certify the offices to be filled and the
18 candidates for those offices to the proper election authority
19 as provided in the general election law. A primary for those
20 offices, if required, shall be held in accordance with the
21 general election law.

22 (Source: P.A. 91-57, eff. 6-30-99.)